IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2989 of 2004

Vasanti Pravin Rathod & Anr....Petitioners

Vs.

The Special Land Acquisition
Officer No.7 & Anr .....Respondents

Mr. V.J. Hegde, for the Petitioner

Ms. Geeta Shastri, AGP for Respondent No.1

Mrs. Shobha Ajit Kumar for Respondent No.2

CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.
DATE : 19th April,2005

P.C.

. The Award was passed in the year 1998. The possession of the land has been taken. The acquisition is under the provisions of the M.R.T.P. Act.

2. The challenge by the petitioner is firstly that no notice was served on the petitioner. The Award discloses that there has been publication as contemplated both under Section 4 and Section 6 of the Land Acquisition Act. It is then contended that the award was not passed within two years. The acquisition is under Section 126 of the M.R.T.P.Act and hence that contention as of today is not available. Lastly it is contended that the provisions of Section 126 have not been followed. The Award was made in the year 1996. The petitioners have come to this Court in the year 2004. There is considerable delay, more so considering the judgment of the Apex Court in the case of Municipal Council, Ahmednagar Vs. Shah Hyder Beig and ors., AIR 2000 S.C.671. In the light of the above, petition dismissed.

3. It is made clear that if no notice of the Award under Section 12 of the Land Acquisition Act has been served on the petitioners, it is still open to them to apply for reference under the provisions of the Land Acquisition Act.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)